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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,852	03/15/2001	Hiroki Tanaka	SONYJP 3.0-146	5243

530 7590 05/17/2005

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EXAMINER
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ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/808,852

Applicant(s)

TANAKA ET AL

Examiner

Christopher O. Onuaku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,5,6&9 are rejected under 35 U.S.C. 102(b) as being anticipated by Shore et al (US 5,760,767).

Regarding claim 1, Shore et al disclose the editing of moving images such as audio/video images, including the user interface that provides sophisticated editing functions that are easy to implement, comprising:

a) a reproducing device operable to reproduce image signals recorded on a recording medium (see Fig.1; disk memory 35 and the playback video tape recorder (P-VTR) 20; col.2, lines 45-60; col.3, lines 9-33);

b) a setting unit operable to set at least one image signal start point and end point for editing the recorded image signals (see Fig.3, buttons 330 and 332; col.4, lines 24-38);

c) a storage device operable to store the at least one image signal start point and end point set by the setting unit (see disk memory, for example; the log cards which reflect the clips created by the user during playback of source inputs; the clips include

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two frame images, reflecting the frame at the start point and the frame at the end point of clip., the created log cards/clips are digitized and stored in disk memory, for example; col.4, line 56 to col.5, line 6; and col.5, lines 41-52), here once the log cards/clips are stored, the image signal set start point and end point are stored; and

d) a controller operable to control the display of marks corresponding to the stored signal start points and end points (see col.5, lines 53-63), here although the controller is not explicitly shown, during editing, a control means is inherent, which controls the display of marks corresponding to the stored signal start points and end points, because when the stored log card is to be edited, the timeline area 315 of Fig.3 is used by the user to visually edit clips by dragging or moving a selected video clip to the timeline. Once a log card is moved to the timeline area 315, a rectangular box is displayed, the length of which reflects the clip duration. The clip duration shows the beginning/end of the clip, i.e., beginning/end points which are the frame in and frame out points of the clip marking the beginning and end of the clip.

Regarding claim 2, Shore et al disclose wherein the storage device is operable to store a selected number of image signal start points and end points (see button 390 of Fig.3 which enables a user to selectively store clips; col.11, lines 8-35 and col.5, lines 42-52), and the controller is operable to control the display of marks so that marks corresponding in number to the selected number are displayed (see Fig.7A&7B; col.9, lines 50-38), here Shore shows the box that appears when clip 4 is selected by the user.

Regarding claim 5, the claimed limitations of claim 5 are accommodated in the discussions of claim 1 above, including the display monitors 40 and 45, and PC controller 10 of Fig.1; and the display monitor 40 and computer 210 of Fig.2.

Regarding claim 6, the claimed limitations of claim 6 are accommodated in the discussions of claim 2 above

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 1 above, including the computer-readable program (see Fig.2 and general purpose computer 210; col.3, lines 1-8 and col.3, lines 38-50).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,4,7&8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shore et al in view of Ubillos (US 5,999,173).

Regarding claim 3, Shore et al disclose wherein the user using the record button 390 selects a number of displayed image signal start points and end points of clips to record, and the clips not selected are not recorded (see col.4, line 24, to col.5, line 52 and col.11, lines 8-36). Shore et al fail to explicitly disclose wherein the controller is

operable to control the display of marks ( in and end points which are timecodes) so that the marks corresponding to the stored image signal start points and end points are displayed in a first color, and marks corresponding to the unstored image signal start points and end points are displayed in a color different from the first color.

Ubillos teach a computer-implemented video editing method and apparatus in which stored video clips are displayed, and an edited video program is assembled from selected ones of the clips, and wherein, for example, the user specifies which portions of the overlay clip are transparent, in one of two ways. In one alternative, the user specifies a color (or range of colors) of the overlay clip as being transparent (so that the main clip will show through portions of the overlay clip having the specified color or range of colors. In another alternative, the overlay clips includes a special "alpha" channel, comprising bits which define grey scale level for each pixel of each frame of the overlay clip (see col.9, line 50 to col.10, line 23). Here Ubillos teaches the principle of using different colors to achieve desired effects in the design of display of program clips. This provides the desirable advantage of allowing the user to use different colors to achieve desired effects in the design of display of program clips.

It, therefore, would have been obvious to modify Shore by realizing Shore with the means to use different colors to achieve desired effects in the design of display of program clips, as taught by Ubillos, since this provides the desirable advantage of using different colors to achieve a desired effect in the design of display of program clips, for example, using different colors to differentiate between the "in points" and "out points" of stored/recorded clips and unstored/unrecorded clips.

Regarding claim 4, Shore fails to explicitly disclose wherein the controller is operable to control the display of marks so that ones of the marks corresponding to the stored images signal start points and end points representing the recorded image signals which have been reproduced by the reproducing device are displayed in a first color, and others of the marks corresponding to the stored image signal start points and end points representing the recorded image signals which have not yet been reproduced by the reproducing device are displayed in a color different from the first color.

As discussed in claim 3, above, Ubillos teaches the principle of using different colors to achieve desired effects in the design of display of program clips. This provides the desirable advantage of allowing the user to use different colors to achieve desired effects in the design of display of program clips.

It, therefore, would have been obvious to modify Shore by realizing Shore with the means to use different colors to achieve desired effects in the design of display of program clips, as taught by Ubillos, since this provides the desirable advantage of using different colors to achieve a desired effect in the design of display of program clips, for example, using different colors to differentiate between the "in points" and "out points" of marks corresponding to the recorded image signals which have been reproduced by the reproducing device, and marks corresponding to the stored image signal start points and end points representing the recorded image signals which have not yet been reproduced by the reproducing device.

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claim 3 above.

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 4 above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abe et al (US 6,763,177) teach a video edit system used in TV broadcast, including a non-linear video edit system using a digital data recorder that features random access and nonvolatile.

Furuyama (US 6,064,793) teaches a reproducing apparatus having an editing function of editing, by using another apparatus, an information signal recorded on a recording medium.

Kikuchi et al (US 5,911,030) teach a video and audio editing system, including an editing system for controlling an external apparatus by means of a personal computer (PC) to select video and audio materials of a required scene and store them as data for a multimedia application.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher O. Onuaku whose telephone number is (571) 272-7379. The examiner can normally be reached on M-F 8:30-6:00.

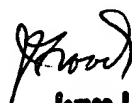


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 572-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
COO  
5/10/05

  
James J. Groody  
Supervisory Patent Examiner  
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